

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN MATELIC,

Plaintiff,

v.

BENNY MENDOZA,

Defendant.

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CIVIL ACTION NO. 12-13523

DISTRICT JUDGE AVERN COHN

MAGISTRATE JUDGE R. STEVEN WHALEN

**ORDER**

Plaintiff, formerly a Michigan Department of Corrections (“MDOC”) prisoner, filed suit on August 9, 2012 alleging excessive force during the course of an arrest. Before the Court is Plaintiff’s Motion to Compel [Docket #40] and Plaintiff’s “Request for Police Records” [Docket #43], filed on February 3, 2015 and March 23, 2015 respectively.

In Plaintiff’s Motion to Compel, he alleges that Defendant Benny Mendoza (“Defendant”) provided “only a limited amount of [the] requested materials” in response to the request for production of documents. Defendant states in response that he provided Plaintiff with all the responsive non-privileged documents in his possession. *Docket #42, Exhibit A*. Because it appears that Defendant has provided all of the *non-privileged* documents responsive to Plaintiff’s discovery requests, this motion [Docket #40] is denied.

For differing reasons, Plaintiff’s “Request for Police Records,” [Docket #43], construed as a second motion to compel, will be denied. Plaintiff’s request is made pursuant

to Michigan's Freedom of Information Act ("FOIA"), M.C.L. § 15.231, *et seq.* *Id.* at pg. 3. FOIA requests are to be directed to the agency that has custody of the records, not to this Court. Moreover, Plaintiff made the FOIA request to the City of Detroit Law Department on March 18, 2015 - just five days before filing the present motion. His motion to compel the requested material is at a minimum, premature.

For these reasons, Plaintiff's motion to compel [Docket #40] and "Request for Police Records" [Docket #43] are DENIED.

IT IS SO ORDERED.

s/R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Dated: March 25, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was sent to parties of record on March 25, 2015, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla

Case Manager